

Manhattan
Legal
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November 5, 2009

Commission's Secretary, Office of the Secretary, Federal Communications Commission
236 Massachusetts Avenue, N.E., Suite 110
Washington, D.C. 20002

Re: WC Docket No. 03-109

To Whom It May Concern:

I am writing in response to the October 21, 2009 Public Notice seeking comments on TracFone's request for clarification of the Lifeline Program's "One-Per-Household" rule as applied to group living facilities.

Our Eastside SRO Legal Services Project serves low-income consumers who reside in single-room occupancy hotels, lodging houses and rooming houses in New York City. These buildings are multiple dwellings, i.e. there are more than two households living independently in the same building. The consumers who live in these buildings are permanent tenants and are protected by rent regulation laws that allow them to remain in occupancy unless the owner has cause to evict them.

Yet, we have heard from numerous consumers that they were denied Lifeline service by TracFone's Safelink program on two grounds: (1) that the one-per-household rule prevents more than one individual in the same building from obtaining Lifeline service; and (2) that they live in "commercial" buildings and are therefore ineligible.

The first ground for denial has been that only one household per building is eligible for a telephone. Therefore, once one person residing at a multiple dwelling has obtained telephone service, no one else residing in a separate dwelling unit in the building can do so. Clearly, the Lifeline program is not designed to only allow the first applicant from a multiple dwelling to obtain service, and there can be no justification for such a restriction. The FCC regulations allow for a single telephone in each consumer's principal residence. Interpreting this regulation so as to allow only a single telephone in each multiple dwelling, leaves out countless eligible individuals living in multiple dwelling units such as the consumers we serve in SRO hotels, lodging houses, rooming houses as well as others living in group situations such as homeless shelters, nursing homes and adult homes. These income-qualified individuals need access to telephone

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Peggy Earisman, Project Director



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service just as much as those living in single family homes and are often even needier. Our clients who live in SROs are the most vulnerable and low-income of the clients served by our agency.

The other reason given for denying our clients service has been that they reside in a "commercial" building. It is unclear what database or information source Safelink is using to obtain this information, but our clients are permanent tenants of their hotels, lodging houses or rooming houses. Any "commercial" building classification obtained by Safelink does not accurately reflect the nature of the hotel and the tenant's rights to permanently reside in these hotels. These consumers are not transient hotel guests, but rather permanent tenants who have the right to continue to reside in these hotels in perpetuity. Although these tenants often do not have written leases, the laws of New York create permanent tenancy for any hotel guest who makes a written request for a lease of 6 months or longer or who resides in a hotel for at least 6 months. Therefore, any such listing of these hotels as "commercial" is a generalization that is inaccurate when applied to the permanent tenants of the hotel who reside there. Therefore, any information source that lists a building as "commercial" should not be a basis for a denial.

We look forward to you addressing and removing these two obstacles that prevent consumers who live in SRO units from obtaining Lifeline service provided through the Safelink program. If I can provide any additional information, please contact me at 646-442-3134.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosalind Black", with a long horizontal flourish extending to the right.

Rosalind Black
Senior Staff Attorney,
East Side SRO Legal Services Project